

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

TIMOTHY J. HARGRAVE,  
Plaintiff,

v.

UNIVERSITY OF WASHINGTON, P.V.  
BALAKRISHNAN, in his individual  
capacity,  
SANDEEP KRISHNAMURTHY, in his  
individual capacity, PRADYOT SEN, in  
his individual capacity,  
GOWRI SHANKAR, in his individual  
capacity, JAMES M. MILLER, in his  
Individual capacity, SUSAN JEFFORDS,  
in her individual capacity, and  
CHERYL CAMERON, in her individual  
capacity,

Defendants.

NO:

COMPLAINT  
(JURY DEMAND)

Timothy J. Hargrave (Prof. Hargrave) alleges as follows:

COMPLAINT

**NATURE OF THE ACTION**

This is an action, under Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e, *et seq.*, Section 7(b), 29 U.S.C. §620(b), of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. §621 *et seq.* (ADEA), which incorporates by reference Section 16(b), 29 U.S.C. §216(b), of the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. §201 *et seq.*, RCW 49.60.180, RCW 49.60.220, and the common law of Washington for economic and equitable relief to redress proscribed race, age, and sex discrimination, and breach of contract, in the context of tenure decisions at the University of Washington (University).

**JURISDICTION AND VENUE**

1. Pursuant to 28 U.S.C. §§1331, 1343(a)(3), and 1343(a)(4), 42 U.S.C. §2000e-5(f)(3) this Court has jurisdiction over Prof. Hargrave's discrimination claims based on age, race, and sex, and his breach of contract claims. Pursuant to 28 U.S.C. §1391(b) jurisdiction is proper in the United States District Court for the Western District of Washington.

**PARTIES**

1. Prof. Hargrave, a 52-year old Caucasian male, was at all times material to this lawsuit a resident of Lake Forest Park, WA, and a tenure-track member of the faculty in the Business Program/School of Business at the University of Washington Bothell. His areas of research and teaching lie in the area of "management." In particular, his research interests within the general area of "management" have included, principally, institutional theory and business ethics.
2. Defendant University is an agency of the state of Washington.
3. Defendant Sandeep Krishnamurthy (Dean Krishnamurthy) at all times material to this lawsuit held a tenured faculty appointment at the University and served as the Dean of the School of Business at the University's Bothell campus (UWB).

COMPLAINT

- 1 4. Defendant Susan Jeffords (Vice Chancellor Jeffords) at all times material to this lawsuit held a
- 2 tenured faculty appointment at the University and served as Vice Chancellor at UWB.
- 3 5. Defendant Cheryl Cameron (Vice Provost Cameron) at all times material to this lawsuit held a
- 4 tenured faculty appointment and served as Vice Provost for Academic Personnel at the University.
- 5 6. Defendants P. V. Balakrishnan (Prof. Balakrishnan), Pradyot Sen (Prof. Sen), Gowri Shankar
- 6 (Prof. Shankar), and James M. Miller (Prof. Miller) at all times material to this lawsuit held
- 7 tenured faculty appointments in the School of Business at UWB.

8 **Facts**

- 9 7. During the 2005-2006 academic year Prof. Hargrave applied for a position as an assistant
- 10 professor in the Business Program at UWB. Later during the same academic year, Prof. Hargrave
- 11 visited UWB to interview for the position. Following the visit, Defendant. Balakrishnan
- 12 expressed to at least one other faculty member in the Business Program at UWB that Prof.
- 13 Hargrave was the stupidest person he, Defendant Balakrishnan, had ever interviewed. Upon
- 14 information and belief, Defendant Balakrishnan opposed hiring Prof. Hargrave into the Business
- 15 Program at UWB.
- 16 8. Regardless, the University extended an offer to Prof. Hargrave and he commenced employment as
- 17 an assistant professor in the UWB Business Program in September 2006. In 2012, the UWB
- 18 Business Program became the UWB School of Business.
- 19 9. Prior to the beginning of the 2006-2007 academic year, and throughout the period of Prof.
- 20 Hargrave's employment as an assistant professor, the University maintained a Faculty Code.
- 21 Throughout the same period the Faculty Code, in large measure, governed the employer/employee
- 22 relationship between the University and persons holding appointments as "faculty" as Section 21-
- 23
- 24
- 25

31 of the Faculty Code defines that term. Throughout the same period the Faculty Code has constituted a contract of employment between Prof. Hargrave and the University.

10. Section 24-55 of the Faculty Code mandates that all faculty members at the University undergo an annual merit review by their colleagues. Pursuant to the same section of the Faculty Code professors and associate professors evaluate assistant professors. In accordance with the binding obligation to conduct annual merit reviews, during the 2006-2007, 2007-2008, 2008-2009, 2009-2010, and 2010-2011 academic years, the UWB Business Program's/Business School's Personnel Committee, comprising Prof. Hargrave's colleagues senior in rank to him, conducted a merit review of his performance on three dimensions: research/scholarship, teaching, and service.

11. In a memo to Prof. Steve Holland, the then-Director of the UWB Business program, dated April 17, 2007, the Personnel Committee, comprising Assoc. Prof. Paul Collins, Assoc. Prof. Kevin Laverty, Assoc. Prof. Pete Nye, Defendant Sundar Balakrishnan, Defendant Sandeep Krishnamurthy, and Defendant James Miller, rated Prof. Hargrave's 2006 performance as follows: Research – Highly Meritorious; Teaching – Meritorious; Service – Meritorious; Overall – Highly Meritorious.

12. In a memo to UWB's then-Vice Chancellor for Academic Affairs, Tom Bellamy, dated April 25, 2007, Prof. Steve Holland, the then-Director of the Business Program, wrote: "I agree with the personnel committee that Tim Hargrave's performance was highly meritorious. He has a publication in a top-tier management journal and is doing an outstanding job in the classroom and in serving the Business program."

13. In a memo to Prof. Steve Holland, the then-Director of the UWB Business program, dated February 19, 2008, the Personnel Committee, comprising Assoc. Prof. Paul Collins, Assoc. Prof. Kevin Laverty, Assoc. Prof. Pete Nye, Defendant Sundar Balakrishnan, Defendant Sandeep

1 Krishnamurthy, Defendant Gowri Shankar, and Defendant James Miller, rated Prof. Hargrave's  
2 2007 performance as follows: Research – Meritorious; Teaching – Meritorious; Service –  
3 Meritorious; and Overall - Meritorious.

4 14. In a memo to Susan Jeffords, UWB's Vice Chancellor for Academic Affairs, dated March 10,  
5 2008, Prof. Holland, the then-Director of the Business Program, wrote: "I agree with the  
6 personnel committee that Tim Hargrave's performance during 2007 was meritorious. He is an  
7 excellent teacher and has done extremely well in both undergraduate and MBA classes. He has  
8 a number of exciting research projects underway including some projects with colleagues at  
9 UW Bothell. He is involved in important service work for the Business Program and the  
10 campus."

11 15. In a peer teaching evaluation of Prof. Hargrave, dated April 8, 2008, Assoc. Prof. Lavery  
12 concluded: "Bottom line: it was an excellent class and I think Tim demonstrated to me that he is  
13 an excellent teacher of material that is difficult to teach and difficult for students to learn.

14 ...

15 In summary, I think we are fortunate to have such [a] talented and dedicated teacher on our  
16 faculty."

17 16. In a memo to Prof. Steve Holland, the then-Director of the UWB Business program, dated March  
18 13, 2009, the Personnel Committee, comprising Assoc. Prof. Paul Collins, Assoc. Prof. Kevin  
19 Lavery, Assoc. Prof. Pete Nye, Defendant Sandeep Krishnamurthy, and Defendant James Miller,  
20 rated Prof. Hargrave's 2008 performance as follows: Research – Highly Meritorious; Teaching –  
21 Highly Meritorious; Service – Meritorious; Overall – Highly Meritorious.

22 17. In a memo to Susan Jeffords, UWB's Vice Chancellor for Academic Affairs, dated April 1,  
23 2009, Prof. Holland, the then-Director of the Business Program, wrote: "I agree with the  
24  
25

1 personnel committee that Tim Hargrave's performance was highly meritorious. His paper in  
 2 *Business Ethics Quarterly* will help him to establish a national reputation in the business ethics  
 3 area and his other scholarly work is moving along nicely. He continues to do outstanding work  
 4 in the classroom and in service."

5 18. In a report on an observation of Prof. Hargrave's Management of Organizations class, dated  
 6 February 24, 2010, Prof. Holland concluded: "Tim conducted a class that was very effective and  
 7 pitched at an appropriate level for an introductory course in management."

8 19. In a letter to Prof. Hargrave dated May 22, 2010, Defendant Krishnamurthy, the Director of the  
 9 then-Business Program, wrote: "An evaluation of your performance for the 2009 calendar year  
 10 follows.

11 **Research – Highly Meritorious**

12 Congratulations on the publication of the *Business Ethics Quarterly* paper. I believe you are [at] a  
 13 very important stage of your academic career. It is wonderful to see the uptick in the pipeline.  
 14 This is the moment to be persistent with papers that have received revise & resubmit decisions. It  
 15 is also the time to focus on the bigger journal papers rather on smaller book chapters. . . .

16 **Teaching – Highly Meritorious**

17 I believe that you are a thoughtful teacher who consistently challenges students. It is gratifying to  
 18 see the consistently high teaching evaluations. We look forward to future successes in the  
 19 classroom.  
 20

21 **Service – Meritorious**

22 Your service contributions are in line with expectations and we thank you for being a good  
 23 citizen. I appreciate you chairing the Lecturer search committee. As you approach tenure, you  
 24 must feel free to say 'No' to new demands.  
 25

Overall, I am assessing your performance last year as **Highly Meritorious.**”

20. In a memo to Defendant Krishnamurthy, the Director of the then-Business Program, dated March 29, 2011, the Personnel Committee, comprising Prof. Holland, Defendant Balakrishnan, and Defendant Miller, rated Prof. Hargrave’s performance for 2010 as follows: Research – Meritorious; Teaching – Meritorious; Service – Meritorious; and Overall – Meritorious.

21. In a memo to Prof. Hargrave dated May 3, 2011, Defendant Krishnamurthy, the Director of the then Business Program, wrote: “I have attached the [March 29, 2011] letter from the [Personnel Committee]. I concur in their assessment. I encourage you to continue to focus on high-quality research and maintaining high standards in the classroom. Your level of service is appropriate. I encourage all Assistant Professors to say ‘No’ if they feel service levels are inappropriate. . . .”

22. Pursuant to Section 25-32.A.2 of the Faculty Code an assistant professor at the University must undergo a review for promotion and tenure no later than during the sixth academic year of his or her employment at the University. Pursuant to the Faculty Code the review involves a multi-level assessment of the candidate’s performance record on three dimensions: research, teaching, and service.

23. Pursuant to Section 24-34.A.2 of the Faculty Code, in order to become tenured a candidate for tenure must have “a substantial record of success in both teaching and research, except in unusual cases an outstanding record in one of these activities may be considered sufficient.”

24. Pursuant to Section 13-31.A.3 of the Faculty Code and Governance individual academic units at the University have authority to adopt, for example, specific criteria for assessing whether a candidate for tenure in the applicable academic unit has established a record of substantial record of success on teaching and on research. As long as they are not in conflict with other

1 provisions of the Faculty Code any such specific criteria form the basis for determining  
2 whether a candidate for tenure has met Faculty Code Section 24.34.A.2's requirements.

3 25. Pursuant to Section 13-31.A.3 of the Faculty Code, on February 13, 2007, the voting faculty  
4 members in the then-Business Program at UWB adopted the following Criteria for Promotion  
5 and Tenure:

6 The candidate for tenure and promotion to Associate Professor must show promise of  
7 attaining a national reputation in his or her field. Letters from external reviewers are  
8 extremely important, as is the reputation of the reviewers. Any other evidence to indicate  
9 the quality of the research, such as the quality of journals in which publications appear,  
10 citations, awards, etc., is also valuable. A number of different types of scholarly  
11 contributions are valued (grants, book chapters, presentations, etc.) but there must be a base  
12 of publications in high-quality refereed journals.

13 There must be evidence of effective teaching in the various courses the candidate teaches  
14 regularly (core, electives, MBA, etc.). This can be provided by student and peer  
15 evaluations, testimonial letters from students, teaching awards, etc. Particular attention is  
16 paid to the level of intellectual challenge of the courses.

17 Service to the institution is important at UWB because we are still in the process of  
18 building the institution. How well one performs in service assignments is an important  
19 criterion in performance evaluation.  
20

21 For additional criteria, please see the University Handbook, relevant sections of which –  
22 24-34, 24-32, 24-54, 25-32, 25-41 are attached.

23 The Criteria for Promotion and Tenure have been in effect in the Business Program and the  
24 School of Business at UWB at all times subsequent to their adoption in February 2007.  
25



1 26. During the 2011-2012 academic year Prof. Hargrave and another assistant professor, Juan  
 2 Carlos Gómez (Prof. Gómez), in the School of Business at UWB underwent a mandatory  
 3 review for promotion and tenure pursuant to Section 25-32.A.2 of the Faculty Code. Prof.  
 4 Gómez is of Hispanic descent and is approximately ten years younger than Prof. Hargrave.

5 27. At the time of his promotion and tenure review during the 2011-2012 academic year, Prof.  
 6 Hargrave had a base of publications in high quality refereed journals. Specifically, he was the  
 7 first author on an article published in the *Academy of Management Review* and the sole author  
 8 of an article published in *Business Ethics Quarterly*. *Journal Citation Reports* (Thompson  
 9 Reuters 2012) ranked the *Academy of Management Review* first among a set of 172  
 10 Management Journals and first among a set of 116 Business Journals. *Journal Citation*  
 11 *Reports* (Thompson Reuters 2012) ranked *Business Ethics Quarterly* second among a set of 48  
 12 Ethics Journals and 26<sup>th</sup> among a set of 116 Business Journals.

13 28. At the same time, Prof. Hargrave was the co-author of three chapters in books, two of which  
 14 were published by Oxford University Press, and a paper published in the 2011 Academy of  
 15 Management Best Paper Proceedings. In addition, he had made numerous presentations at  
 16 professional meetings.

17 29. During the 2011-2012 academic year, in accordance with the dictates of the Faculty Code, a  
 18 three-person Promotion & Tenure Committee, comprising Assoc. Prof. Collins and Prof.  
 19 Holland, both members of the tenured faculty in the UW Bothell Business Program, and Prof.  
 20 Tom Jones, from UW's Foster School of Business, reviewed Prof. Hargrave's dossier,  
 21 evaluated his candidacy for promotion and tenure, and rendered a written recommendation  
 22 regarding that candidacy. Assoc. Prof. Collins is a faculty member whose generic area of  
 23 research and teaching comes within the "management" domain. Prof. Jones is a management  
 24  
 25

1 scholar whose work, particularly, for example, in the area of business ethics, is internationally  
 2 recognized. He is the sole author of the most frequently cited refereed journal article in the  
 3 area of business ethics. Overall, his refereed journal articles have garnered more than 9000  
 4 Google Scholar Citations as of the date of this complaint. Prof. Jones has been a University  
 5 faculty member since the 1977-1978 academic year.

6 30. Prof. Hargrave's dossier, referenced in paragraph 29 above, contained letters from five tenured  
 7 faculty members at academic institutions outside the University. In accordance with  
 8 University rules and procedures, Defendant Krishnamurthy solicited, via a letter, the  
 9 participation of the five external reviewers in the promotion and tenure review of Prof.  
 10 Hargrave. All five external reviewers have expertise in the general area of "management."  
 11 Although he does not yet know the identities of the five external reviewers, Prof. Hargrave has  
 12 reason to believe that some subset of them hold faculty positions in what qualify as "top"  
 13 schools of business/management. In contrast, the UW Bothell has never qualified as a "top"  
 14 school of business/management.  
 15

16 31. All five of the external reviewer letters unequivocally endorsed Prof. Hargrave's candidacy for  
 17 promotion and tenure. One external reviewer wrote: "Prof. Hargrave is known for his  
 18 contribution to institutional theory and is a sought after contributor at smaller conferences in  
 19 this domain. . . . His recent work on the management of contradictions and how such  
 20 dilemmas are managed by organizational actors will continue to have impact."

21 32. A second external reviewer wrote: "[Prof. Hargrave's paper in the *Academy of Management*  
 22 *Review*] is simply outstanding and has made a major impact on the field. It has significantly  
 23 affected the way that organizational scholars think about processes of institutional and  
 24 technological change. . . .  
 25

1 Through these papers, Hargrave has established a national reputation and revealed  
2 competencies and insight that far exceed his limited experience.”

3 33. A third external reviewer concluded that Prof. Hargrave satisfied the criterion of “showing  
4 promise of attaining a national reputation in his field.” That reviewer wrote: “With respect to  
5 article[s] in high-quality journals, Professor Hargrave has already demonstrated his ability to  
6 place articles in such outlets with work in *Academy of Management Review* and *Business*  
7 *Ethics Quarterly*.” That reviewer participated as an external reviewer of Prof. Hargrave’s  
8 candidacy for promotion and tenure during the 2012-2013 academic year.

9 34. A fourth external reviewer did not explicitly assess Prof. Hargrave’s research record according  
10 to the Faculty Code general standard and the Criteria for Promotion and Tenure. Regardless,  
11 that reviewer wrote: “Dr. Hargrave would clearly qualify for promotion at my university and, I  
12 suspect, at most top management schools . . . .”

13 35. A fifth external reviewer wrote: “His work on [institutional theory] is widely cited and he is  
14 developing a national reputation on the subject. . . . His second area of research is on moral  
15 imagination and, again, he has contributed substantially to the growing literature on that topic. .  
16 . . Dr, Hargrave should continue to be a significant scholar in his two areas of research and  
17 writing. . . . I strongly recommend him for promotion and tenure.”

18 36. In their October 7, 2011 Recommendation on Tim Hargrave, Assoc. Prof. Collins. Prof.  
19 Holland, and Prof. Jones noted: “The five external reviewers, . . . , were unanimous in their  
20 assessment of the quality of Tim’s work, his contributions to the field, and his growing national  
21 reputation. . . . Tim has developed a stellar reputation centered on the quality of his  
22 scholarship. . . . We think that Tim has made substantial contributions to teaching. . . . Finally,  
23 Tim has been an important citizen of the Business Program and UW – Bothell community. . . .  
24  
25

1 For all the above reasons and more, we give Tim Hargrave our highest recommendation for  
 2 promotion and tenure.”

3 37. In a memo to Prof. Hargrave, dated October 10, 2003, Defendant Krishnamurthy summarized  
 4 the Promotion & Tenure Committee’s Recommendation on Tim Hargrave. Despite the fact  
 5 that the Recommendation on Tim Hargrave did not contain the word “good” regarding Prof.  
 6 Hargrave’s teaching record, Defendant Krishnamurthy wrote: “You are regarded as a good  
 7 teacher . . .” Similarly, despite the fact that the Recommendation on Tim Hargrave did not  
 8 contain the word “adequate,” Defendant Krishnamurthy wrote: “The [Promotion & Tenure  
 9 Committee] regards your service to the [Business Program] as adequate.” Finally, despite the  
 10 fact that the Promotion & Tenure Committee noted the unanimity of the external reviewers in  
 11 their assessment of Prof. Hargrave’s growing national reputation, Defendant Krishnamurthy  
 12 made no reference to that fact.

13 38. On October 21, 2011, the tenured faculty in the Business Program, other than those on leave,  
 14 met to discuss and vote on Prof. Hargrave’s candidacy for promotion and tenure. Those  
 15 faculty members present and voting included, Assoc. Prof. Collins, Prof. Holland, Assoc. Prof.  
 16 Kevin Lavery, Defendant Balakrishnan, Defendant Shankar, and Defendant Miller.  
 17 Defendant Balakrishnan’s area of expertise is in marketing. Defendant Shankar’s is in  
 18 accounting, Defendant Miller’s is in finance. None of the latter three persons has research  
 19 expertise/experience in management or business ethics.

20 39. At the October 21, 2011 meeting referenced above, the two management faculty members in  
 21 attendance, along with Prof. Holland, voted to recommend promotion and tenure for Prof.  
 22 Hargrave. Defendants Balakrishnan, Shankar, and Miller concluded that Prof. Hargrave had  
 23  
 24  
 25

not met the standard for tenure on the research dimension and voted against recommending promotion and tenure for him.

40. At the same time the voting faculty members considered Prof. Hargrave's candidacy, they discussed and voted on the candidacy of Assistant Prof. Gómez. At the time of that vote, Prof. Gómez has published three articles in refereed journals. The first of those, a single-authored piece, appeared in *Games and Economic Behavior*, a journal that is not as highly ranked as *Academy of Management Review*. The second, a co-authored article, on which Prof. Gómez is the second author, appeared in *International Game Theory*, a journal that is not as highly ranked in its field as *Business Ethics Quarterly* is ranked among Ethics Journals. The third, an article on which Prof. Gómez is the second author, and Defendant Balakrishnan is the first, appeared in *Mathematical Social Sciences*, a journal does not meet the implicit definition of "high-quality quality refereed journal." Further, as of the 2011-2012 academic year, Prof. Gómez had not published any book chapters.

41. As of the date of this complaint, Prof. Gómez's three refereed journal articles referenced above have, in total, 19 Google Scholar Citations. In contrast, as of the date of the issuance of Recommendation on Tim Hargrave, Prof. Hargrave's article in *Academy of Management Review* had accumulated approximately 165 Google Scholar Citations. His article in *Business Ethics Quarterly* had accumulated approximately 10 Google Scholar Citations. The first of his co-authored book chapters had accumulated approximately 50 Google Scholar Citations.

42. Despite the superiority of Prof. Hargrave's research record to that of Prof. Gómez on the criteria set forth in Criteria for Promotion and Tenure, Prof. Hargrave has reason to believe that Defendants Balakrishnan, Shankar, and Miller voted to recommend promotion and tenure for Prof. Gómez.

1 43. In a letter to Prof. Hargrave dated October 26, 2011, Defendant Krishnamurthy “summarized”  
 2 the discussion at the October 21, 2011 meeting referenced above. For example, Defendant  
 3 Krishnamurthy wrote: “[A] significant subset of the senior faculty believe that your published  
 4 research output was below the average expected and did not indicate ‘substantial success’  
 5 (Chapter 24-34) in research.” Departing from his reference to a “significant subset of the  
 6 senior faculty,” Defendant Krishnamurthy then represented falsely a number of conclusions to  
 7 which the entire senior faculty had come. For example, “The faculty also found the quality of  
 8 your second [,single-authored] publication [in *Business Ethics Quarterly*] to be good. . . . BEQ  
 9 was regarded as one of the good journals found in the sub-discipline of business ethics. . . .  
 10 The faculty regard you as a good teacher . . .”

11 44. In a letter to Defendant Jeffords, dated November 4, 2011, Defendant Krishnamurthy reported  
 12 the vote of the Business Program’s senior faculty regarding Prof. Hargrave’s candidacy for  
 13 promotion and tenure. In addition, Defendant Krishnamurthy provided his own negative  
 14 recommendation and the reasons for it. As to the research dimension, Defendant  
 15 Krishnamurthy concluded: “Ruling on the current maturity and quality of Dr. Hargrave’s  
 16 research, I conclude that Dr. Hargrave has simply not met our understanding of ‘substantial  
 17 success’ when it comes to research (Chapter 24-34.” Yet nowhere in the November 4, 2011  
 18 letter did Defendant Krishnamurthy address whether Prof. Hargrave had shown promise of  
 19 attaining a national reputation in his field, as the Criteria for Promotion and Tenure requires.  
 20

21 45. In addressing Prof. Hargrave’s refereed journal articles, Defendant Krishnamurthy down  
 22 played both the stature of *Academy of Management Review* and *Business Ethics Quarterly* and  
 23 the professional impact of the articles by using language that was altogether at odds with that  
 24 of the five external review letters and the Recommendation on Tim Hargrave.  
 25

1 46. Finally, Defendant Krishnamurthy sowed the seeds for what would become the subsequent  
 2 decision to postpone the decision on Prof. Hargrave's candidacy for promotion and tenure  
 3 during the 2011-2012 academic year and the decision to deny him tenure during the 2012-2013  
 4 academic year: "In addition, Dr. Hargrave has not built any local research collaborations. His  
 5 work continues to be disproportionately with his dissertation adviser." Nothing in the Faculty  
 6 Code or the Criteria on Promotion and Tenure even suggests that a lack of local research  
 7 collaborations or the continued work with one's dissertation advisor are legitimate  
 8 considerations when assessing whether a candidate for promotion and tenure in the UWB  
 9 Business Program/Business School has shown promise of attaining a national reputation in his  
 10 field. Further, at no time has Defendant Krishnamurthy or any other agent of the University  
 11 indicated to Prof. Hargrave that having a record of substantial success on the research  
 12 dimension required his ceasing to pursue research with his dissertation advisor.

13 47. Not content to understate the quality of Prof. Hargrave's research record and apply  
 14 impermissible considerations to the assessment of it, Defendant Krishnamurthy took a similar  
 15 approach to his assessment of Prof. Hargrave's teaching record: "Second, Dr. Hargrave has  
 16 been a good teacher. His teaching evaluations have been consistently good and he does  
 17 encourage critical thinking in his classes with the use of the socratic method. However, there  
 18 is no unique tangible contribution in the area of teaching (e.g., pedagogical innovation,  
 19 pedagogical scholarship, leadership with the PT faculty) and, the response to his class at the  
 20 MBA level has been mixed. . . . Overall, I believe Dr. Hargrave is a good teacher, but, do not  
 21 see his contributions rising to the level of 'substantial success' in teaching." Nothing in the  
 22 Faculty Code or the Criteria for Promotion and Tenure allows an evaluator of a tenure  
 23  
 24  
 25

1 candidate's teaching record to penalize the candidate for the ostensible absence of  
 2 "pedagogical innovation, pedagogical scholarship, or leadership with the PT faculty."

3 48. At approximately the same time in the fall of 2011 he recommended to Defendant Jeffords  
 4 that Prof. Hargrave be denied promotion and tenure, Defendant Krishnamurthy recommended  
 5 that Prof. Gómez be granted promotion and tenure.

6 49. At some time prior to November 20, 2011, Defendant Krishnamurthy met with UWB's  
 7 Campus Council on Promotion and Tenure and Faculty Affairs (CCPTFA) regarding Prof.  
 8 Hargrave's candidacy for promotion and tenure. In a November 20, 2011 letter to Defendant  
 9 Jeffords, by a majority vote, the CCPTFA recommended that Prof. Hargrave be granted  
 10 promotion and tenure. Defendant Balakrishnan was a member of the CCPTFA at that time and  
 11 during the 2012-2013 academic year as well. In assessing Prof. Hargrave's research record the  
 12 CCPTFA's letter states: "Dr. Hargrave is noted for his thoughtful and high quality (and highly  
 13 cited) publications in two important peer-reviewed business journals – Academy of  
 14 Management Review and Business Ethics Quarterly. He has four book contributions (book  
 15 chapters and reviews), has two articles under review and is active on his conference  
 16 presentation record and service to the field. We agreed that the quality and impact of his  
 17 research is strong and the quantity is adequate. He has demonstrated a wide range and variety  
 18 of intellectual interests and was noted for his ability to find important intersections between  
 19 them. His use of both advanced quantitative and qualitative methods in his work were noted as  
 20 being innovative. We see that he has articulated a clear trajectory for future research that is  
 21 reflected by his works in progress. While this chosen trajectory may be 'risky' because it is  
 22 pushing boundaries, we believe this type of scholarly risk-taking should be supported."  
 23  
 24  
 25



50. In a December 10, 2011 letter to then-Interim Provost Doug Wadden Defendant Jeffords recommended that the decision on Prof. Hargrave's candidacy for promotion and tenure be postponed for a year. As the basis for her recommendation Defendant Jeffords explained: "The recommendation of the Business Program faculty was divided . . . . In his independent assessment of the file, Dr. Sandeep Krishnamurthy, Director of the Business Program, recommends that Dr. Hargrave not be promoted to Associate Professor. The UW Bothell Campus Council on Promotion and Tenure and Faculty Affairs recommended tenure and promotion. The CCTPFA assessed that Dr. Hargrave's 'teaching meets expectations; his research quality and trajectory meet this standard,' and that his service 'appears consistent with the expectations of junior faculty.' Because of this divided assessment, I request that Dr. Hargrave's promotion and tenure decision be postponed for one year for reconsideration in 2012."

51. In her December 10, 2011 letter to then-Interim Provost Wadden Defendant Jeffords concluded that Prof. Hargrave had demonstrated substantial success and met the promotion and tenure requirements on the teaching and service dimensions. Consequently, her decision to recommend postponement derived from what she characterized as "divided assessment [of Prof. Hargrave's research record]."

52. As of November 20, 2011, five external reviewers, two management faculty on the Promotion & Tenure Committee, another management member of the Business Program's senior faculty, the former Director of the UWB Business Program, and a majority of the seven-member CCPTFA had all determined, unequivocally, that Prof. Hargrave established a record of substantial success on the research dimension. Only Defendants Krishnamurthy, Balakrishnan, Shankar, and Miller, none of whom is a management scholar nor is familiar with management

1 research in Prof. Hargrave's fields, concluded that he had not established a record of  
2 substantial success on the research dimension.

3 53. In an apparent attempt to provide an independent basis for her recommendation, Defendant  
4 Jeffords cited one of the external review letters: "[One external reviewer] calls Dr. Hargrave's  
5 *Academy of Management Review* paper 'simply outstanding' and assesses that it 'has made a  
6 major impact on the field.' [That external reviewer] goes on to say that 'very few researchers  
7 can claim to have a paper with 165 citations at the time that they go up for tenure.' However,  
8 as do other reviewers, [the same external reviewer] notes that Dr. Hargrave's number of  
9 publications is low for someone at his career stage. He concludes that the two submitted  
10 papers, if accepted for publication, would place him closer to national expectations (though  
11 [the same external reviewer] does finally recommend in favor of tenure based on the quality of  
12 Dr. Hargrave's work."

13 54. Contrary to Defendant Jeffords's remarks quoted above, the external reviewer that she cited  
14 actually stated, among other things, that Prof. Hargrave "has established a national reputation."  
15 Further, "[I]t is also clearly the case that he has produced fewer 'hits' than many others at  
16 similar career stages. If his two current [resubmitted revised papers] were both to be accepted,  
17 it would put him in the average to above-average range from a numbers standpoint. . . .  
18 Despite the numbers issue, I believe that there is a strong quality-based case to be made for  
19 Hargrave's promotion."  
20

21 55. Also contrary to Defendant Jeffords's remarks quoted in Paragraph 53 above, apart from the  
22 external reviewer on whom she relied, none of the four other external reviewers opined that  
23 Prof. Hargrave's "number of publications [was] low for someone at his career stage."  
24  
25

1 56. Following the receipt of Defendant Jeffords's December 10, 2011 letter, Defendant Cameron  
 2 and Provost Ana Mari Cauce (Provost Cauce) decided to postpone until the 2012-2013  
 3 academic year the decision on promotion and tenure for Prof. Hargrave. In accordance with  
 4 the Faculty Code, Provost Cauce's decision became the decision of the University on the  
 5 matter. In contrast, Prof. Gómez received promotion and tenure.

6 57. During the 2012-2013 academic year Prof. Hargrave underwent a second promotion and tenure  
 7 review. As part of the review a new Promotion & Tenure Committee assessed his candidacy.  
 8 That Promotion & Tenure Committee comprised two management researchers/teachers: Assoc.  
 9 Prof. Laverty, from the UWB School of Business, and Prof. Kevin Steensma, from the  
 10 University's Foster School of Business, along with Prof. Holland. Prof. Steensma is an  
 11 internationally recognized scholar whose publications have accumulated more than 3600  
 12 Google Scholar Citations as of the date of this complaint. Prof. Steensma has been a  
 13 University faculty member since the 2000-2001 academic year.

14  
 15 58. Prof. Hargrave's dossier that the new Promotion & Tenure Committee reviewed contained a  
 16 new single-authored refereed journal publication by Prof. Hargrave in *Business and Society*  
 17 *Review*, along with four new external review letters, at least two of which came from persons  
 18 who had submitted review letters during the 2011-2012 academic year. After noting Prof.  
 19 Hargrave's publications, one of the new external review letters stated: "He currently has a  
 20 paper under review at *Organization Science*, also considered an 'A' level journal in the  
 21 organizational studies field and several working papers in process, suggesting a pretty full  
 22 pipeline. All of this represents a commitment to quality work and a reasonable level of  
 23 productivity. . . . I do believe that he has achieved a 'base of publications in high-quality  
 24 refereed journals that you require for promotion. If anything gives me pause it is the gap in  
 25

1 years between publications (between 2006 and 2009 and between 2009 and today). However,  
2 the relatively full pipeline suggests that he is working on multiple interesting projects that  
3 should result in publications.”

4 59. A second external reviewer, who submitted a review letter during the 2011-2012 academic  
5 year, wrote: “[E]ach of his published contributions is of very high quality in prestigious  
6 places. In many universities it is that quality that weighs more heavily as it should. . . . Dr.  
7 Hargrave is currently engaged in many very promising research and working papers, and I  
8 have no doubt that he will soon have a national reputation in these new branches of  
9 institutional theory that he and his collaborators are both inventing and studying. . . . In  
10 summary, I support my 2011 assessment even more firmly that Dr. Tim Hargrave is a fine  
11 scholar and compares favorably with scholars at this stage of their careers. I strongly  
12 recommend him for promot[ion] and tenure.”

13 60. A third, apparently new, external reviewer wrote of Prof. Hargrave: “His work is original and  
14 highly relevant. It has and will continue to influence the literature on institutional theory both  
15 today and in the future. . . . In short, Dr. Timothy Hargrave has a very creative mind and I  
16 believe he will continue to make substantial contributions to scholarship related to institutional  
17 theory and the broader area of management. . . . In what I believe to be his most important  
18 paper . . . he focuses explicitly on [the issue of why and how organizations change]. . . . This  
19 research has influenced many papers in the area and will continue to have an impact. Since his  
20 paper was published, at least 5 papers in top journals have built upon his work. . . . On many  
21 occasions [his] paper has been the focus of conversations I have personally had with a variety  
22 of academics on the topic of institutional change. . . . In summary, Dr. Hargrave is one of  
23 those scholars who focuses on publishing very high impact research. This strategy does not  
24  
25

1 always result in high numbers of publications, but instead, publications that change the  
 2 direction of the field. I believe that Dr. Hargrave fits this model and has had a strong positive  
 3 impact on the field and will continue to do so. . . . As a tenured professor, I believe that he will  
 4 continue to contribute in a variety of ways to the University of Washington (Bothell).”

5 61. A fourth external reviewer, apparently at the University of Alberta and who submitted a review  
 6 letter during the 2011-2012 academic year, sounded the only possibly negative note regarding  
 7 Prof. Hargrave’s research record. That negative note, however, derived from an inapt  
 8 comparison of that record with those of early career scholars at the reviewer’s institution and  
 9 “top” management schools, a mischaracterization of the status of *Business Ethics Quarterly*,  
 10 and a mistaken assumption as to the basis for the decision to postpone the decision on Prof.  
 11 Hargrave’s candidacy: “By way of background, I provided an earlier review and assessment of  
 12 Dr. Hargrave’s application for tenure in a letter dated August 31, 2011. My assessment at that  
 13 time was very positive, swayed largely by two manuscripts that were at the stage of second  
 14 round review at elite management journals (*Academy of Management Review* and *Organization*  
 15 *Science*). I assume, based on this renewed request to review Dr. Hargrave’s tenure application,  
 16 that last year’s process was delayed in order to determine the outcome of the review process  
 17 for the two manuscripts noted above.

18 I further note that in the current application materials, neither of these papers appears to have  
 19 been published, nor are they currently in the review process. I assume, therefore, that both  
 20 manuscripts were ultimately rejected.

21 . . . Without these publications, Professor Hargrave’s publication profile changes quite  
 22 dramatically.

23 . . .  
 24  
 25

1 [His] gross number of journal publications is, thus, one top-tier journal publication, two  
 2 second-tier journal publications and three book chapters.

3 Unfortunately, this standard of output, both in terms of quality and quantity of publications is  
 4 below the standard for my institution and, I would estimate, at top management schools such as  
 5 the University of Washington. At my institution the expectation would be at least three clear  
 6 'elite' publications (i.e. Financial Times 45 or UT Dallas listing) and an equal number of 'near  
 7 elite' publications in order to achieve tenure. Unfortunately I do not think Dr. Hargrave has  
 8 achieved this standard of excellence.

9 I find this conclusion unsettling as I have been an admirer of Dr. Hargrave's work and think  
 10 that his line of research holds considerable potential. Had either of the two manuscripts under  
 11 review gained purchase, I would be writing an entirely different letter. I still see significant  
 12 long term potential in Dr. Hargrave's program of research."

13  
 14 62. In an October 8, 2012 letter to Defendant Krishnamurthy the new Promotion & Tenure

15 Committee unanimously recommended that Prof. Hargrave be granted promotion and tenure.

16 As to Prof. Hargrave's research record, the new Promotion & Tenure Committee wrote: "The  
 17 Promotion and Tenure Criteria of the UW Bothell School of Business state, 'The candidate for  
 18 tenure and promotion to Associate Professor must show promise of attaining a national  
 19 reputation in his or her field.' We believe that Dr. Hargrave shows such promise.

20 Our evaluation is based on his published work, work in progress, external review letters,  
 21 citations of his research . . . . The remainder of this letter provides our reasoning for these  
 22 judgments with specific references to the elements of the School of Business criteria for  
 23 promotion and tenure.

24 *'... there must be a base of publications in high-quality refereed journals.'*  
 25

1 Dr. Hargrave has published three papers in high-quality refereed journals in the areas of  
 2 institutional theory and business ethics. . . . He also has sole-authored pieces in *Business*  
 3 *Ethics Quarterly*, considered to be the premier journal in the field of business ethics, and in  
 4 *Business and Society Review*, a respected journal in the field of business ethics. . . .

5 He also has several working papers that appear to have excellent publication prospects  
 6 including submissions to *Organization Studies* and *Energy Policy*. The latter paper is strongly  
 7 interdisciplinary in its focus and co-authored with a faculty member from the School of  
 8 Interdisciplinary Arts and Sciences at UW Bothell.

9 . . . .

10 [The external reviewer from the University of Alberta] does note, however, that the quantity of  
 11 [Dr. Hargrave's] publications in top-tier journals would not be sufficient to receive tenure at  
 12 his school. The promotion and tenure standards of his school, however, appear to be quite  
 13 different from those of the UW School of Business.”

14  
 15 63. The new Promotion & Tenure Committee concluded: “In sum, . . . Dr. Timothy Hargrave is the  
 16 kind of scholar who should receive a promotion to Associate Professor in the School of  
 17 Business at the University of Washington Bothell. He embodies the attributes we prize in that  
 18 he conducts innovative high-quality research that impacts his field, teaches intellectually  
 19 challenging courses, and takes service roles seriously.”

20 64. As he did in 2011, in his October 10, 2012 letter to Prof. Hargrave, summarizing the letter from  
 21 the new Promotion & Tenure Committee, Defendant Krishnamurthy down-played that body's  
 22 assessment. For example, “You have three publications in peer-reviewed journals.”

23 65. On October 25, 2012, the tenured faculty in the UWB School of Business, not including those  
 24 on sabbatical, met to discuss and vote on Prof. Hargrave's candidacy for promotion and tenure.  
 25

1 The voters included Defendants Balakrishnan, Shankar, Sen, and Miller, along with Prof.  
 2 Holland, Assoc. Prof. Lavery, and Assoc. Prof. Nye. Several irregularities attended the  
 3 discussion. For example, Defendant Sen asserted that there was no need to consider Prof.  
 4 Hargrave's entire record. Instead, it would be necessary only to consider what Prof. Hargrave  
 5 had accomplished since the 2011-2012 promotion and tenure review. Further, there was no  
 6 discussion of Prof. Hargrave's record on the teaching dimension.

7 66. As in Prof. Hargrave's first promotion and tenure review, Defendants Balakrishnan, Shankar,  
 8 and Miller, joined by Defendant Sen, whose area of research/teaching is accounting, voted  
 9 against promotion and tenure. Prof. Holland, Assoc. Prof. Lavery, and Assoc. Prof. Nye voted  
 10 in favor of promotion and tenure. Assoc. Prof. Gómez abstained.

11 67. In his letter to Prof. Hargrave, dated October 30, 2012, Defendant Krishnamurthy summarized,  
 12 albeit erroneously, the discussion at the October 10, 2012 meeting. For example, speaking  
 13 collectively Defendant Krishnamurthy stated: "Your colleagues noted your emphasis on  
 14 quality in your research as demonstrated by your earlier work. Over time, however, we  
 15 observed low research output with significant gaps and there has been a systematic downward  
 16 trend in quality. . . . The faculty regard you as a reasonably good teacher . . . ." Contrary to  
 17 those statements, several senior members of the UWB School of Business senior faculty do not  
 18 subscribe to the view that there had been a systematic downward trend in the quality of Prof.  
 19 Hargrave's research output. Further, at the October 10, 2012 meeting none of the voting  
 20 faculty used the term "reasonably good" to describe Prof. Hargrave as a teacher. Instead,  
 21 consistent with their written observations of Prof. Hargrave's teaching, Prof. Holland, Assoc.  
 22 Prof. Lavery, and Assoc. Prof. Nye, the last of whom completed a written observation in  
 23 October 2012, regard Prof. Hargrave as an excellent teacher.  
 24  
 25



1 68. In a letter to Defendant Jeffords, dated November 14, 2012, Defendant Krishnamurthy reported  
2 the results of the October 25, 2012 vote on Prof. Hargrave's candidacy for promotion and  
3 tenure. In the same letter Defendant Krishnamurthy provided an explanation for his decision  
4 to, as in 2011, recommend against promotion and tenure for Prof. Hargrave. That explanation,  
5 as a few examples make clear, rests on "cherry-picking" ostensibly negative aspects of Prof.  
6 Hargrave's performance while at the same time either distorting or ignoring the bulk of  
7 positive evidence of Prof. Hargrave's having met, or even exceeded the standards for  
8 promotion and tenure in the UWB School of Business. For example, in addressing Prof.  
9 Hargrave's research record, Defendant Krishnamurthy quoted extensively from the University  
10 of Alberta reviewer's letter, but ignored or dismissed the uniformly positive assessments in the  
11 three other new external review letters, excerpted in Paragraphs 58, 59, and 60 above. In  
12 addition, he ignored altogether the uniformly positive contents of the five review letters from  
13 the 2011-2012 promotion and tenure review. That is, in violation of the Faculty Code,  
14 Defendant Krishnamurthy failed to consider Prof. Hargrave's entire record on the research  
15 dimension.  
16

17 69. In the one instance where he referred to a second new external review letter Defendant  
18 Krishnamurthy, again, "cherry picked:" "One external reviewer ... overstates [Prof.  
19 Hargrave's] work's influence when she argues that 'each of his published contributions is of  
20 very high quality in prestigious places', since I find *Business and Society Review* to be of a  
21 lower standard." The contents of Paragraph 59 above provide more context for the external  
22 reviewer's comments than Defendant Krishnamurthy's brief excerpt supplies.  
23

24 70. Similarly, Defendant Krishnamurthy wrote, misleadingly: "I find [another new external  
25 reviewer] more convincing when she argues that [Prof. Hargrave] displays a 'reasonable level

of productivity.’” The contents of Paragraph 58 above reveal that in quoting the new external reviewer, Defendant Krishnamurthy failed to supply an accurate context for those quoted remarks.

71. Similarly, Defendant Krishnamurthy asserted erroneously: “Third, at this stage of his career, Dr. Hargrave’s CV displays a weak pipeline with uncertain prospects. He has received an invitation to revise one paper at *Organization Science*. Although one of the external reviewers [] notes that this is a ‘strong paper’ with ‘excellent prospects’, I have learned through experience that attaching weight to such language with respect to a paper in an early stage of review is a perilous undertaking. Dr. Hargrave has two other papers under first review. Five other working papers are listed, and not yet submitted. I view this pipeline as immature and fraught with uncertainty. In effect, Dr. Hargrave has had to completely redesign his research agenda in response to key papers being rejected. His entire research program is in disarray. I join the senior faculty in noting that this pipeline may take as long as another tenure clock before it results in significant contribution.” As of the date of this complaint, two of the research papers in Prof. Hargrave’s “pipeline” have been accepted for publication, one at *Organization Science*, the other at *Energy Policy*. Further, at no time was Prof. Hargrave’s “entire research program in disarray.”

72. In an example of misstating what transpired at the October 25, 2012 meeting of the UWB School of Business senior faculty, Defendant Krishnamurthy stated in his November 14, 2012 letter to Defendant Jeffords that “the standard of ‘promise of attaining a national reputation’ was applied.” Further, as his November 14, 2012 letter to Defendant Jeffords makes clear, in assessing Prof. Hargrave’s research record Defendant Krishnamurthy himself did not apply that standard.

73. Following the submission of his November 14, 2012 letter to Defendant Jeffords, Defendant Krishnamurthy met with the CCPTFA. As in 2011, Defendant Balakrishnan was a member of that body. In a letter to Defendant Jeffords dated November 20, 2012, the CCPTFA reported that a majority of the members of that body had voted not to recommend promotion and tenure for Prof. Hargrave. The basis for that negative vote lay in an assessment of Prof. Hargrave's research record. Largely reflecting the misleading reasoning, "cherry picking" and other input of Defendant Krishnamurthy, the CCPTFA wrote: "Dr. Hargrave's external references indicate that he has the potential to make a substantial contribution in the field of institutional dynamics. His highly cited publications in two, important peer-reviewed journals (Academy of Management Review and Business Ethics Quarterly) indicated some early potential for success. His intellectual efforts are advanced in several areas – but perhaps are varying in ways that have weakened his overall potential for success. Also, in early 2012, a critical, potentially high impact journal manuscript was withdrawn for consideration for publishing as other researchers had 'scooped' him with a published article. This article, while not considered as the sole reason for denial of promotion and tenure, is an indicator that points to an overall troublesome record of research productivity and promise. . . . Despite early success with a high impact publication, the record indicates that Dr. Hargrave has yet to establish a substantial research program independent of his research advisor and commensurate with the expectations of the UWB School of Business."

74. In a letter to Provost Cauce, dated December 10, 2012, Defendant Jeffords recommended that Prof. Hargrave be denied tenure and promotion. Defendant Jeffords asserted that she based her recommendation on the vote of the senior faculty in the UW Bothell School of Business, the recommendation of the CCPTFA, and her own independent assessment. That is, she

1 ignored the recommendation of the new Promotion & Tenure Committee and, ostensibly,  
2 Defendant Krishnamurthy's recommendation. Building, however, on the misleading reasoning  
3 and highly selective references to evidence on the research dimension set forth by Defendant  
4 Krishnamurthy, Defendant Jeffords justified her recommendation as follows: "Dr. Hargrave's  
5 primary area of scholarly contribution is in the area of institutional change and collective  
6 action. Since his arrival Dr. Hargrave has published two articles in refereed journals, one of  
7 which is published in the top journal in the field. He also has published three book chapters."  
8 In fact, Prof. Hargrave had three refereed journal articles at the time of the second promotion  
9 and tenure review. Defendant Jeffords continued: "The external review letters recognized both  
10 Dr. Hargrave's accomplishments and the limited research output so far. [One external  
11 reviewer] notes that Dr. Hargrave 'is one of those scholars who focuses on publishing on very  
12 high impact research. This strategy does not always result in high numbers of publications,  
13 but instead, publications that change the direction of the field.' [Another external reviewer]  
14 notes that Dr. Hargrave's publications show 'a commitment to quality work' that has yielded a  
15 'reasonable level of productivity.' All the reviewers note the impact of the work that Dr.  
16 Hargrave did with his graduate school mentor, Dr. Van de Ven. [An external reviewer] points  
17 to Dr. Hargrave's new collaboration as 'very exciting' but recognizes that there is 'not a  
18 plethora of articles.' [The University of Alberta reviewer] was a previous reviewer for Dr.  
19 Hargrave when his file was considered last year. At that time, [the University of Alberta  
20 reviewer] was supportive of promotion and tenure, based both on Dr. Hargrave's publications  
21 and on two promising essays in the final stages of review. [The University of Alberta  
22 reviewer] notes that neither of these papers secured publication. Consequently, [the University  
23 of Alberta reviewer] revises his recommendation in his current assessment and concludes that  
24  
25

1 ‘this standard of output, both in terms of quantity and quality of publications is below the  
 2 standard’ both at his own institution and, he estimates, at others as well.” The last portion of  
 3 the immediately preceding sentence, at a minimum, misstates the University of Alberta  
 4 reviewer’s remarks, as set forth in Paragraph 61 above: “Unfortunately, this standard of  
 5 output, both in terms of quality and quantity of publications is below the standard for my  
 6 institution and, I would estimate, at top management schools such as the University of  
 7 Washington.” Again, no ranking of schools of management places the UWB School of  
 8 Business anywhere near membership in the group of “top management schools.” Further,  
 9 Defendant Jeffords ignores the reality, articulated by the new Promotion & Tenure Committee  
 10 that “[The external reviewer from the University of Alberta] does note, however, that the  
 11 quantity of [Dr. Hargrave’s] publications in top-tier journals would not be sufficient to receive  
 12 tenure at his school. The promotion and tenure standards of his school, however, appear to be  
 13 quite different from those of the UW School of Business.” Also, Defendant Jeffords ignored  
 14 the fact, for example, that two of Prof. Hargrave’s papers under review, at *Organization*  
 15 *Science* and *Energy Policy*, were co-authored with persons other than Prof. Hargrave’s  
 16 “research advisor.” Finally, Defendant Jeffords ignored the uniformly positive assessments of  
 17 the other external reviewers for 2011-2012 and 2012-2013.

19 75. Following the transmission of Defendant Jeffords’s December 10, 2012 letter to Provost  
 20 Cauce, Defendant Cameron recommended against promotion and tenure for Prof. Hargrave.  
 21 Provost Cauce then decided, as the University’s ultimate decision maker on the matter, to deny  
 22 promotion and tenure.

23 76. During the 2013-2014 academic year, a female assistant professor in the UWB School of  
 24 Business underwent a review for promotion and tenure. That assistant professor had a  
 25

demonstrably inferior research record to that of Prof. Hargrave as of the dates of his two promotion and tenure reviews. Further, nearly all of her papers were co-authored with a member of her dissertation committee. Regardless, Defendants Krishnamurthy, Balakrishnan, Sen, Shankar, and Miller, all recommended that she receive promotion and tenure.

77. Within 300 days of receiving notification that he had been denied promotion and tenure, Prof. Hargrave filed a Charge of Discrimination with the EEOC and the Washington Human Rights Commission arising out of the decision to deny him promotion and tenure during the 2012-2013 academic year.

78. On December 10, 2014, the EEOC mailed a Notice of Right to Sue to Prof. Hargrave.

### CLAIMS

79. Prof. Hargrave realleges paragraphs 1- 78 above.

80. By the conduct alleged above in denying him promotion and tenure during the 2012-2013 academic year, the University discriminated against Prof. Hargrave on the basis of race, national origin, and age in violation of Title VII of the Civil Rights Act of 1964, the ADEA, and RCW 49.60.180.

81. By the conduct alleged above in failing to grant promotion and tenure to Prof. Hargrave during the 2011-2012 academic year, the University discriminated against Prof. Hargrave on the basis of race, national origin, and age in violation of RCW 49.60.180.

82. By the conduct alleged above the University breached its employment contract with Prof. Hargrave by postponing a decision on his candidacy for promotion and tenure during the 2011-2012 academic year, and by denying him promotion and tenure during the 2012-2013 academic year.

1 83. By the conduct alleged above, Defendants Cameron, Jeffords, Krishnamurthy, Balakrishnan,  
2 Shankar, and Miller aided and abetted discrimination against Prof. Hargrave on the basis of race,  
3 national origin, and age in violation of RCW 49.60.220.

4 84. By the conduct alleged above, Defendants Krishnamurthy, Balakrishnan, Shankar, Sen, and  
5 Miller aided and abetted discrimination against Prof. Hargrave on the basis of sex in violation of  
6 RCW 49.60.220.

7 85. As the result of the violations of law set forth above, Prof. Hargrave has and will continue to  
8 suffer a loss of income and benefits.

9 **REQUEST FOR RELIEF**

10 Prof. Hargrave requests that the Court provide him with the following relief:

- 11 (a) Entry of a judgment that in denying Prof. Hargrave tenure the University violated Title  
12 VII of the Civil Rights Act of 1964, the ADEA, and RCW 49.60.180;  
13  
14 (b) Entry of a judgment that in failing to grant tenure and promotion to Prof. Hargrave during  
15 the 2011-2012 academic year the University violated RCW 49.60.180;  
16  
17 (c) Entry of a judgment that in denying Prof. Hargrave tenure the University breached its  
18 employment contract with him, in, for example, the form of failing to adhere to the  
19 University's promise of specific treatment in specific circumstances;  
20  
21 (d) Entry of a judgment that in postponing a decision on Prof. Hargrave's candidacy for  
22 tenure, the University breached its employment contract with him, in, for example, the  
23 form of failing to adhere to the University's promise of specific treatment in specific  
24 circumstances;  
25

- 1 (e) Entry of a judgment for economic damages, in the form of back pay and front pay, that  
2 Prof. Hargrave has sustained as the result of the University's having postponed a decision  
3 on tenure and then denied him tenure;
- 4 (f) Equitable relief in the form of an injunction requiring the University to re-instate Prof.  
5 Hargrave as an associate professor with tenure in the UWB School of Business;
- 6 (g) Entry of a judgment against Defendants Cameron, Jeffords, Krishnamurthy, Balakrishnan,  
7 Shankar, Sen, and Miller for having aided and abetted discrimination against Prof.  
8 Hargrave in violation of RCW 49.60.220;
- 9 (h) An award of reasonable attorneys' fees and costs incurred in connection with pursuing this  
10 lawsuit pursuant to 42 U.S.C. 2000e-5(k) and Chapter 49.60 RCW; and
- 11 (i) Such other relief that the Court determines to be appropriate.

12 **Jury Demand**

13 Prof. Hargrave demands a trial by jury on all issues pertaining to his claims.

14 Dated this 13th day of March 2014.

15  
16  
17 GAUTSCHI LAW FIRM, LLC

18 By: s/Frederick H. Gautschi, III  
19 Frederick H. Gautschi, III  
20 WSBA No. 20489  
21 Attorney for Timothy Hargrave  
22 2200 6<sup>th</sup> Ave., Ste. 1250  
23 Seattle, WA 98121  
24 206.441.1980  
25 FAX: 206.441.5803  
Email: [rgautschi@gautschilaw.com](mailto:rgautschi@gautschilaw.com)

COMPLAINT



1 GEORGE T. HUNTER, ATTORNEY AT LAW

2 By: s/George T. Hunter

3 George T. Hunter

4 WSBA No. 14388

5 Attorney for Timothy Hargrave

6 2200 6<sup>th</sup> Ave., Ste. 1250

7 Seattle, WA 98121

8 206.441.1980

9 FAX: 206.441.5803

10 Email: [gthunter7700@gmail.com](mailto:gthunter7700@gmail.com)

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
COMPLAINT